



DART TRANSIT COMPANY

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Docket No. FHWA 98-3706 ~ 27
Docket Clerk
U. S. DOT Dockets
Room PL-40 1
400 Seventh Street, S. W.
Washington, DC 20590-000 1

DEPT. OF TRANSPORTATION
DOCKET SECTION
98 JUN 19 AM 11:06

Dear Ladies and Gentlemen;

We are a motor carrier operating in the irregular route truckload environment. On any given day we dispatch 1300 drivers to various points in the United States and Canada. Each of our dispatches is planned and processed to safely, efficiently and economically meet the needs of our customer, our driver and our vested stakeholders. We take very seriously the role of safety at our company and understand the financial impacts of being safe and not being safe. Being accident and incident free is the difference between profitable and unprofitable. We do not have much tolerance for negligence, carelessness or unsafe acts.

All this said, we understand and insist our drivers comply with the hours of service regulations. Having been through several recent DOT audits we are keenly aware of the ramifications of auditing our driver record of duty status logs, verifying the appropriate hours, and accuracy of the records. We have tried very hard to instill meaning to the statement under the signature portion of the log that states "certified true and correct". We employ six full time and one or two part-time individuals to gather, audit, council and measure our compliance with the daily log. Even with this effort and investment on any given day we have drivers error or incorrectly record the activities of the day. Our accuracy rate on logs is in the area of 97%. Or, to put this in regulatory terms, we have a 3% falsified log rate.

The question we ask ourselves about the proposed legislation is "will cleaning up the 3% incorrect log rate make our highways any safer"? Will making more paperwork for our driver and motor carrier administrative staff make drivers safer and more efficient.? Will choking our already overstuffed file cabinets, or investing \$1000's of dollars in scanning equipment make us any safer? Will continuing to perpetuate an antiquated hours of service regulation make motor carriers and the general public feel better about the transportation industry? This proposed rule is a step back in time, not a step forward. This regulation removes the word "partnership" and replaces it with "dictatorship".

Should we be required to choose other than "absolutely not" in response to the proposed rule making we would first suggest putting this rulemaking on hold, and attacking the real issue. Change the current hours of service regulations to promote a safe, efficient and productive surface transportation environment.

If we are still shortsighted and unable to think out of the box, we would next suggest passing legislation that requires all receipt providers (include shippers and consignees) to CDL holders the obligation to record on the receipt document; date, time of day, hub meter reading length of time for the transaction and certification the document is true and correct. Non compliance on the part of receipt document providers, would result in fines for the violators. Likewise, drivers who fail to turn in receipts

should be subject to penalty from the DOT, not the motor carrier who cannot possibly be present for every transaction. Of course, receipts for independent contractors brings up a whole new set of circumstances and interpretation of their legal status.

One last suggestion to relieving the "falsified" document pressure is to mandate shippers and receivers to load and unload freight. This is an area we all know is of concern, yet we have ignored the issue or have been politically swayed to accept loading and unloading as a fact of life for drivers. If the truth is willing to be understood, we would address the topic of loading and unloading which is both unprofitable and unproductive. This change alone would probably relieve a significant reason for drivers to falsify logs.

In summary, we are opposed to the proposed rulemaking as there does not appear to be a return on the investment. The real issue is the number of hours an individual may work or drive. The accuracy of a persons diary and its relationship to crashes is undetermined. Will this rulemaking cause our highways to be safer, more efficient and in turn improve the economic vibrancy of our nation?

Sincerely,

A handwritten signature in black ink, appearing to read "Gary R. Volkman". The signature is fluid and cursive, with the first name "Gary" being more prominent.

Gary R. Volkman
Vice President of Safety and Compliance

